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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,921	12/31/2003	Brian Wester	25332	1401

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WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

EXAMINER	
HALPERN, MARK	

ART UNIT	PAPER NUMBER
1731	

NOTIFICATION DATE	DELIVERY MODE
09/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@weyerhaeuser.com

Office Action Summary	Application No.	Applicant(s)	
	10/749,921	WESTER ET AL.	
	Examiner	Art Unit	
	Mark Halpern	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-10 and 12-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-10,12-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1) Acknowledgement is made of Response received 8/21/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2) Claims 1, 5, 8-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott, (Sludge Characteristics and Disposal Alternatives for the Pulp and Paper Industry, 1995 International Environmental Conference, Atlanta, GA., 7-10, May 1995, TAPPI Press, pgs. 269-279, 1995) in view of Miyabe (4,977,943).

Claims 1, 9-10: Scott discloses a process in a paper mill where virgin fiber raw material is processed and resulting waste material generated from the virgin fiber in the form of sludge is sent for treatment (pg. 269, Figure 1). The sludge includes waste fiber from the virgin fiber raw material; the amount of sludge generated in the paper mill is shown in Table I (pg. 270). The treatment includes dewatering of the waste fiber and clarifier separation (pg. 270, Figure 2)(pgs. 269-271, Figures 1, 2). The sludge is dried and then utilized as bedding material for animals, such as, cattle (pg. 277, col. 2, 4th paragraph). Scott is silent on energy recovery and utilization. Energy recovery and utilization is well known in the pulping art, as for example, disclosed by Miyabe, where

in a papermaking process waste paper is undergoing heat recovery treatment (Miyabe, col. 5, lines 28-51). Scott and Miyabe disclose each element of the invention. One of ordinary skill in the art could have combined the elements by known methods since the combination of Scott and Miyabe is a combination of known methods, and each element combined would have performed the same function as it did separately, and thus one of ordinary skill in the art would have recognized that the results of the combination were predictable. In view that the present specification does not define the fiber agglomeration nor it's retaining of bulk structure and appearance, fiber product of Scott retains the fiber agglomeration, retains the bulk structure and appearance.

Claims 5, 8: dewatering by means of primary and secondary clarifier performs the same or similar function and obtains the same or similar results as does the claimed apparatus.

3) Claims 2-4, 12-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Miyabe, and further in view of Sugarman (2,708,418).

Claims 2-4, 12-14: Scott in view of Miyabe is applied as above for claims 1, 10, Scott in view of Miyabe fails to disclose a treatment substance added to the fiber. Sugarman discloses adding sodium silicate to the fibers (Sugarman, col. 1,line 59 to col. 2, line 40). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Scott and Miyabe with Sugarman, because such a combination would provide the product of Scott with a chemical additive that functions as a binder, adhesive and wetting agent, important functions in animal bedding, as disclosed by Sugarman.

Claims 15-16: dewatering by means of primary and secondary clarifier performs the same or similar function and obtains the same or similar results as does the claimed apparatus.

Response to Amendment

4) Applicants' arguments filed 8/21/2007 have been fully considered but they are not persuasive.

Applicants allege that reference Miyabe does not disclose drying and that reference Scott does not disclose bedding for animals.

Scott discloses sludge drying and utilization as bedding material for animals, such as, cattle (pg. 277, col. 2, 4th paragraph).

Applicants allege that Miyabe does not disclose each of the process steps.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicants allege that Miyabe is not combinable with Scott.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Scott and Miyabe disclose each element of the invention. One of ordinary skill in the art could have combined the elements by known methods since the combination of Scott and Miyabe is a combination of known methods, and each element combined would have performed the same function as it did separately, and thus one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Applicants allege that Scott does not recite virgin fibers.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., virgin fibers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants allege that Scott does not recite waste fiber from a virgin fiber source, but discloses raw material that could be recycled paper and newspaper.

Scott discloses a process in a paper mill where virgin fiber raw material is processed and resulting waste material generated from the virgin fiber in the form of sludge is sent for treatment (last paragraph on pg. 269, and Figure 1).

Applicants allege that the dependent claims do not show the invention for the same reasons as the independent claims.

The resolution of the dependent claims shall follow the resolution of the independent claims.

Conclusion

5) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone no. is 571-272-1190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Halpern/
Primary Examiner
Art Unit 1731